



**STATE OF ARKANSAS  
TOWING & RECOVERY BOARD  
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Insurance Representative  
(501) 758-7861

**Wayne Edwards,**  
Vice –Chairperson  
Zone 4 Non-Consent  
Representative  
(870) 265-2214

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Zone 3 Non-Consent  
Representative  
(479) 839-2400

**Avon Phillips, Jr.,**  
Zone 2 Non-Consent  
Representative  
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**Charles Bokker, Jr.**  
Zone 1 Non-Consent  
Representative  
(870) 633-1000

**E.L. Jacobs,**  
Consent Only  
Representative  
(479) 963-3794

**Ronnie Walker,**  
Consent Only  
Representative  
(501) 321-2852

**Noel Foster**  
Treasurer  
Citizen Representative  
(870) 247-1414

**Tommy Brown,**  
Citizen Representative  
(501) 753-6220

## **MINUTES**

March 31, 2010

The Arkansas Towing & Recovery Board convened on Wednesday, March 31, 2010 at 9:30 a.m. in the 2<sup>nd</sup> floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Vice-Chairperson Wayne Edwards, , and Members: E. L. Jacobs, Charles Bokker, Jr., Avon Phillips Jr., Mary Thoma, Ronnie Walker, and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Board Legal Counsel Rebsamen, were also, present. Treasurer Noel Foster, illness, was not present.

Chairperson Glenna Butler confirmed members had received the Minutes from the February 23, 2010, meeting with a Motion by Jacobs and a 2<sup>nd</sup> by Brown, the Board voted 8-0-1 to accept the Minutes as written.

Treasurer Foster reported expenditures of \$ 4,763.41 and revenues of \$ 17,476.98 for a checkbook balance as of March 29, 2010 of \$ 114,788.23.  
(Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Glenna Butler welcomed guests.

### **Disciplinary Hearing**

1. Complaint No. 2010-09-036 Stadium Auto Body, Inc.: Found in violation of A.C.A 27-50-1208 and Board Rule 10; Fined \$500 with enforcement clause.
2. Complaint No. 2010-11-068 Doyce M. Reeves DBA Auto Tire & Wrecker: Continued.
3. Complaint No. 2010-12-082 Lynn Reynolds DBA Reynolds and Sons Towing: Found in violation of A.C.A. 27-50-1201, and Board Rule 6.1, 6.2 and 8.6; Fined \$600 with the enforcement clause.
4. Complaint No. 2010-01-107 Troy Efird DBA Troy's Body Shop: Found in violation of A.C.A. 27-50-1201 and Board Rule 6.1, 6.2 and 8.6.; Fined \$ 12,500 with the enforcement clause.

Meeting reconvened at 11:45 a.m.

### **On-Going Business**

1. **Progress Report:** Clerical Assistant Staggs reported as of March 30, 2010: 71 non-consent safety licenses; 71 new, 46 1<sup>st</sup> renewal, and 49 2<sup>nd</sup> renewal non-consent permits; 33 consent safety licenses, 25 new, 20 1<sup>st</sup> renewal, 12 2<sup>nd</sup>

renewal and 00 Trailer consent permits were issued, 32 walk-in applications, 05 applications with deficiencies, and 44 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).

2. **Complaints Report:** Board Investigator Ashcraft reported as of March 30, 2010: 24 telephone complaints, 13 written complaints, and 0 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 07 pending complaint hearings, and 12 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Board Council Rebsamen reported on 5 complaints on appeal:
  - A. **Complaint No. 06-12-158:** Asher Wrecker Service, Inc.: Issue with the record and requested a hearing waiting to hear back from the court.
  - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc.: Waiting for declaratory judgments. Appeals are still pending, waiting on briefing schedule on appeals.
  - C. **Complaint No. 08-06-150:** Gene Zajac DBA Blue Hill Wrecker Service: Record has been filed waiting on a briefing schedule approval.
  - D. **Complaint No. 09-01-093 and 2009-09-045:** Glover's Transmission and Rear End, Inc; Appeal record has been filed and in process of setting briefing schedule.
  - E. **Complaint No. 09-03-110:** Troy Mullins filed an appeal, waiting on briefing schedule.
  - F. **Complaint No. 10-10-041:** Lawhon's Towing & Hauling, Inc., filed an appeal, waiting on record and getting a briefing schedule set up.

#### **Old Business**

1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen. On-going discussions has been focused on the education of road troopers on the towing laws.
2. **Public Service Advertisements:** Tabled.
3. **Offer of Settlements:** After some discussion, the board, the Board set fines for the following offer of settlements:
  - A. Failure to Renew in a Timely: with a motion by Bokker, 2<sup>nd</sup> by Phillips the Board voted 8-0-1 to the schedule as follows: within two (2) months \$ 250; Two (2) to Five (5) months \$500; more than 6 months before the board.
  - B. Towing Out of Compliance: with a motion by Phillips, 2<sup>nd</sup> by Brown, the Board voted 8-0-1 for a fine of \$50 per tow.
  - C. Failure to Notify: with a motion by Brown, 2<sup>nd</sup> by Bokker, the Board voted 8-0-1 to set a fine of \$250.
  - D. Failure to Notify Out of Business: with a motion by Thoma, 2<sup>nd</sup> by Jacobs, the Board voted 8-0-1 to set a fine of \$50.
  - E. Offer of settlement Response: with a motion by Brown 2<sup>nd</sup> by Bokker, the Board voted 8-0-1 to accept this response form.

All Offer of Settlements are subject to a review and acceptance by the Board.

**Other Business**

1. **Next Meetings:** April 27, 2010, conference room, Board Office, 1711 Higginson Street, Searcy, Arkansas.

Meeting adjourned 12:10 a.m.

Signed \_\_\_\_\_  
Glenna Butler, Chairperson or  
Wayne Edwards, Vice-Chairperson

Attest \_\_\_\_\_  
Cynthia Lauen, Director

Approved \_\_\_\_\_ (Date)